PATENT AND TRADEMARK OFFICE

Applicants: Donald R. Huffman, et al. Examiner: P. DiMauro

Serial No.: 08/486,669

Art Unit: 1754

Filed: June 7, 1995

Docket: 7913ZAZYX

For: NEW FORM OF CARBON

Assistant Commissioner for Patents Washington, DC 20231

SUPPLEMENTAL DECLARATION OF DONALD R. HUFFMAN UNDER 37 C.F.R. \$1.131

Sir:

I, Donald R. Huffman, declare and say as follows:

1. I am a co-applicant of the above-identified application.

application is Wolfgang Kratschmer, with whom I have collaborated. Although Dr. Kratschmer conducted his research at the relevant time at the Max Planck Institute in Germany, during the course of our collaboration, we have regularly communicated with one another, exchanging ideas, concepts and experimental details and results. In addition, we have visited each other's laboratories and have conducted additional research therein during our visits relating to the subject matter of the present invention described in the above-identified application. All of our combined activities have led to the completion of the invention described and claimed in the above-identified application.

3. I am currently a Regent's Professor of Physics, at the University of Arizona. I have received several accolades and awards relating to the subject invention, which include, inter alia, a Material Research Society Annual Medal Award in 1993, which I shared with Dr. Kratschmer, for the "Discovery of a Way to Produce Macroscopic Quantities of the Fullerenes and for Ellucidating (sic) Many of the Physical and Chemical Properties", and the Hewlett-Packard EuroPhysics Prize in 1994, which I shared with Drs. Kratschmer, Smalley and Kroto, for the "Discovery of New Molecular Forms of Carbon and their Production in the Solid State".

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My <u>curriculum vitae</u> which lists, <u>inter alia</u>, my awards and honors and publications, is attached hereto as Exhibit A. (Exhs. A-1 to A-8).

- 4. It is my understanding that the United States
 Patent and Trademark Office cited a paper by Kratschmer, et al.
 published in <u>Chemical Physics Letters</u>, <u>1990</u>, 167-170
 ("Kratschmer, et al.") in support of a rejection of the aboveidentified application.
- 5. It is my understanding that Kratschmer, et al. published on July 6, 1990.
- 6. The invention described and claimed in the above-identified application was completed in the United States prior to July 6, 1990, i.e., the publication date of Kratschmer, et al.

- The present invention is directed to a method of producing fullerene-60 and fullerene-70 as species of fullerenes in macroscopic amounts. An integral part of the present invention comprises vaporizing elemental carbon, e.g., graphite, in the presence of an inert quenching gas under conditions effective to form a soot comprising fullerenes, e.g., fullerene-60, which species of fullerenes are present in the sooty carbon product in macroscopic amounts. Proving that macroscopic amounts of fullerene species, e.g., fullerene-60, are present in the soot required isolation of the same from the soot. Thus, in addition to the step of producing species of fullerenes, e.g. fullerene-60, in macroscopic amounts, much of the activity described hereinbelow focused on proving that the species were produced in macroscopic amounts . Thus, we undertook to isolate fullerene-60 and fullerene-70, as species of fullerenes, from the soot.
- 8. As evidence that these acts, including the completion of the present invention in the U.S., occurred prior to the publication of Kratschmer et al., annexed hereto and made a part hereof are Exhibits B-I consisting of photocopies of laboratory records of experiments conducted in the laboratories at the University of Arizona.
- 9. The acts reported in the laboratory notebook entries were conducted prior to July 6, 1990, the publication date of Kratschmer, et al. either by myself or by someone working under my direction and control.

10. Data not pertinent to this invention and dates have been masked out in the preparation of these photocopies.

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- process as to the acts described herein, reference is made to Exhibit B, which is a photocopy of 4 pages from Dr. Lowell Lamb's laboratory notebook, identified as Pages B-1 to B-4. Dr. Lamb, at the relevant time, was a graduate student working in my laboratory under my supervision and control.
- Exhibit B summarizes in detail an embodiment of 12. the present invention for producing fullerene species, e.g., fullerene-60, in macroscopic amounts. It describes that graphite rods are vaporized in an inert atmosphere of helium, e.g., 100 torr of helium, in a belljar apparatus. Above the rods is a chimney made out of a 2" diameter quartz tube topped with two microscopic slides to collect the vaporized carbon The carbon smoke is scraped off the chimney and sides of the chamber, and placed in benzene. The benzene is evaporated off until a brownish gold residue remains, then the brownish gold residue is sublimed in an atmosphere of inert gas such as helium. The sublimed material is collected on a quartz In each of the instances wherein the product was substrate. isolated, it was produced in amounts that could be seen with the naked eye.
- 13. One product of the procedure described hereinabove in paragraph 12 is a relatively pure fullerene-60 molecule in macroscopic amounts. This is verified by the UV-

VIS spectrum, in which one observes a camel structure in the absorption pattern, e.g., three specific absorptions at about 220, 270 and 340nm in the UV. Since the absorption between 240 and 270 nm reminded us (Kratschmer and myself) of camel humps, we designated the spectra as camel humps. (The three absorptions turned out to be associated with and is reflective of the presence of fullerene-60 and fullerene-70 in the sample).

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- pages B-3 and B-4, which are photocopies of additional pages in Lowell Lamb's notebook. Although the spectra are in color in the notebooks, the colors did not reproduce in the original photocopying. I have therefore retraced the lines with the appropriate colors on these pages of the exhibit and have written the appropriate color designations above and/or below the lines.
- 15. In the experiments described hereinbelow, the sooty carbon product was obtained by following the procedure outlined hereinabove. The emphasis in these experiments was to definitely prove that macroscopic amounts of fullerene species, e.g., fullerene-60, were produced. Thus, the emphasis in many of the exhibits is to separate the product produced in accordance with the procedure described herein from the soot and to show by measuring physical characteristics, such as UV spectra, IR spectra, X-ray diffraction pattern, and the like that the present process produced species of fullerenes, e.g.,

fullerene-60 and that they were produced in macroscopic amounts.

In the experiment described on pages B-3 and B-4, Lamb had followed the procedure described hereinabove and prepared fullerene species, e.g., fullerene-60, from soot, as described in paragraph 12. He had separated the fullerene products from the carbon sooty product by sublimation. specifically, he had sublimed the mixed fullerene products, containing, among other things, fullerene-60 and fullerene-70, from the soot, prepared in accordance with the procedure described in Paragraph 12 herein in a helium atmosphere until a thin film was formed on the surface of the quartz substrate. According to the procedure described therein, he removed the film from the quartz substrate and took the UV spectra of the collected material. As outlined in the notebook he continued subliming the material in the soot until another film appeared, which, he again isolated and scanned. He repeated this process until no more material was collected on the quartz substrate. It is noted that in the spectrum located on the right side of Page B-3, there are blue and red lines which show absorption at about 230, 270 and 340 nm. These absorptions turned out to be associated with and reflective of the presence of fullerene-60 and fullerene-70 in the sample. This again is illustrated by the blue and the red lines in the spectra located on the left side on page B-4.

- 17. Exhibit C is a photocopy of 9 pages of my notebook, identified as C-1 to C-9. These pages describe the vaporization of carbon in an inert atmosphere to form the carbon sooty product, as described herein, the isolation of the carbon soot and separation by sublimation of the fullerenes, e.g., fullerene-60.
- 18. Prior to any sublimation, I took the UV of the sample of carbon soot produced and isolated from the sides of the chamber in accordance with the procedure described herein. The UV confirmed the presence of fullerene species, in e.g., fullerene-60, the soot.
- 19. Pages C-1 to C-5 describe various separations of fullerene-60 from the collected soot by sublimation. Attention is directed to Pages C-4 and C-5, which not only describes a sublimation of the fullerene-60 from the soot, but also provides the spectra showing the camel humps referred to hereinabove, respectively. This spectra clearly evidence that the product contained fullerene species, e.g., fullerene-60.
- 20. Pages C6 and C7 describe additional sublimation experiments that were used to separate the fullerene-60 produced in macroscopic amounts from the soot. In the experiments described therein, a 1cm x 2cm microscope slide which had been heavily coated with carbon soot in accordance with the procedure described in paragraph 12 hereinabove, was heated. The heating was effected in a small quartz crucible surrounded by tungsten wire in the bell jar filled with about

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one atmosphere of helium. The quartz substrate was placed just above the crucible for collecting the sublimed material. To prove that I had prepared the fullerene-60 in macroscopic amounts, I performed several sublimations and scanned the sublimed product each time. A typical UV is provided on Page C-9.

- 21. The UV spectra on page C-9 clearly shows the presence of the camel humps, and this clearly indicates that fullerene-60 was produced by the process described hereinabove.
- 22. Exhibit D is a photocopy of two pages of a laboratory notebook of Lowell Lamb. The sooty carbon product comprising macroscopic amounts of fullerene-60 was prepared as above. The isolation of a fullerene species, e.g., fullerene-60, from carbon soot and the purification of same, was effected by sublimation. Attached to the bottom of Page D-1 and Page D-2 is the UV and visible spectra, respectively, of the fullerene-60 product so obtained.
- 23. On the graph on the bottom of Page D-1, attention is drawn to the UV absorptions at 240, 270 and 340nm again indicating the presence of fullerene-60 in the sample.
- 24. Exhibit E is a photocopy of three pages of Lowell Lamb's laboratory notebook. Page E-1 is a visible spectra of fullerene-60, prepared in accordance with the procedure described hereinabove and shows absorption at about 415, 500, and 670nm, which is indicative of fullerene-60.

Page E-2 describes modifications of the procedure described on Page 92 and 93 of the notebook (Pages B-1 and B-2). Moreover, it refers to an IR spectrum of fullerene-60 on NaCl produced in accordance with the procedure outlined on Pages B-1 and B-2. It refers to the absorption of the fullerene-60 at 1410 and 1180 cm., which turns out to be associated and reflective of the presence of fullerene-60. Page E-3 is a copy of IR spectra of fullerene-60 on NaCl referred to on Page E-2.

- 25. Exhibit F is a photocopy of relevant portions of a progress report which was written in Lowell Lamb's laboratory notebook. Page F-3 comments on the IR and UV spectra of the fullerene-60 sample obtained and reports that the procedure described in Exhibit B produces a fullerene-60 product in approximately 0.1 gram batches.
- 26. The fullerene products, produced in accordance with the procedure described hereinabove, were soluble in non-polar solvents and insoluble in polar solvents. This is indicated in Exhibit G, which is a photocopy of two pages of my notebook.
- 27. Exhibit G consists of two pages, Page G-1 and G-2. Page G-1 describes the tests which I conducted regarding determining the solubility of the fullerene product. I found that it is soluble in benzene, CS₂ and CCl₄, but insoluble in water, acetone, methanol and proponal.

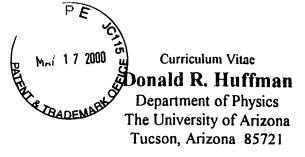
- 28. The fact that the fullerene product is found to be soluble in non-polar solvents, while the soot was insoluble in the non-polar solvent was evidence that non-polar solvents could be used to extract the fullerene product from the soot. Thus, this represented an alternate means for separation of the fullerene product from the soot.
- 29. Page G-2 is the UV/VIS spectrum of the fullerene product dissolved in benzene.
- 30. The spectra referred to in paragraphs 21 and 29 are of exceptional quality and clearly show the presence of fullerene-60.
- 31. Exhibit H consists of one page and is an X-ray diffraction of the fullerene powder produced in accordance with the procedure described hereinabove. The spectrum is identical to the ones we and others published with respect to fullerene-60.
- 32. Exhibit I, consisting of one page, is a mass spectrum of the fullerene material produced in accordance with the procedure described hereinabove. It clearly shows the presence of two species of fullerenes, e.g., fullerene-60 (mass 720) and fullerene-70 (mass 840) in a single ionization, along with some breakup products of fullerene-60 such as doubly ionized fullerene-60.
- 33. These exhibits demonstrate that a process for the preparation and isolation of various fullerene species, e.g., fullerene-60 and fullerene-70 as species of fullerenes,

in macroscopic amounts has been performed by myself or under my direct supervision and control in the United States prior to the publication date of Kratschmer et al.

34. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: May 10, 2000 Ronald K, Nuffman

MJC:ahs/bb



DATE AND PLACE

OF BIRTH:

June 19, 1935: Fort Worth, Texas

EDUCATION:

1957 B.S. (Physics) Texas A&M University

1959 M.A.(Physics) Rice University

1966 Ph.D.(Physics) University of California, Riverside

1967 NSF Postdoctoral Fellow, University of Frankfurt, Germany

POSITIONS HELD:

1959-60 (and summers of 1960, 1961 and 1962) Research Engineer, Production Research Division of Humble Oil Company, Houston, Texas

1960-62 Instructor in Mathematics and Physics, Pepperdine University

1968-70 Assistant Professor of Physics, University of Arizona

1970-75 Associate Professor of Physics, University of Arizona

1975-76 (summers) Visiting Scholar, Department of Applied Mathematics and Astronomy, University College, Cardiff, Wales

1975-76 (Sabbatical leave) Visiting Scientist, Max-Planck Institute, Stuttgart; European Space Agency, Noordwijk, Holland.

1983-84 Humboldt Senior US Scientist Awardee; visiting scientist at Max-Planck Institutes for Nuclear Physics (Heidelberg) and Solid State (Stuttgart)

1975-93 Professor of Physics, University of Arizona

1993- Regents' Professor of Physics, University of Arizona

1993 (fall semester sabbatical) Visiting Scientist, Max Planck Institute for Nuclear Physics, Heidelberg

AWARDS and HONORS:

1982-83 Alexander von Humboldt, Senior US Scientist Award

1993 Regents' Professor, University of Arizona

1993 Materials Research Society Annual Medal Award (w/ W. Krätschmer)
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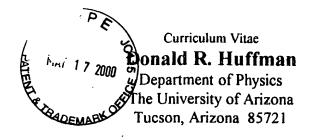
(with W. Krätschmer, R. Smalley and H. Kroto)

for "Discovery of New Molecular Forms of Carbon and their Production in the Solid State"

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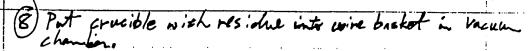
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of the subline Cou onto quarte substrate at ~30 v on variac until film appears on substrate.



(10) Remove substrate + Scan from 400-200mm.

Depeat (1) (10) until all of the other volatiles have been drive off. This will have happened when the spectrum recentles the brown spectrum taped in on page 44. The line and purple spectra are of samples which still contain this unknown volatibe. What remains in the crucialle in 60.

Temperature Dapenhere

Taped in on page 95 are there scons of a
Co somple

Blue-Room Temperature

Bruple-Timedialy after inversion of

aquilibration in liquid NZ.

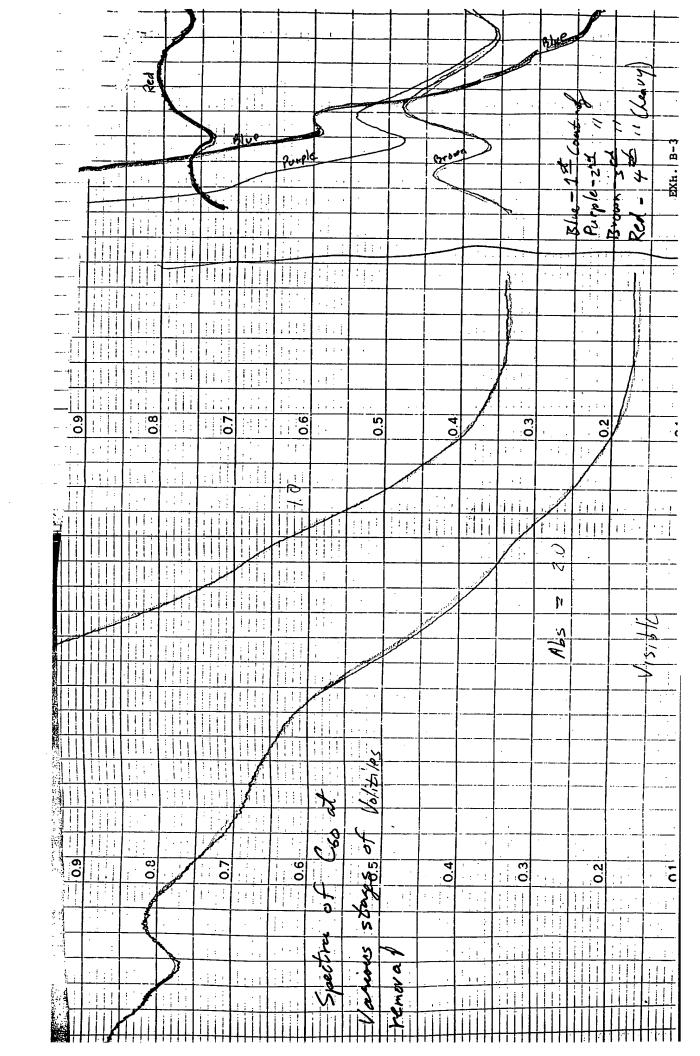
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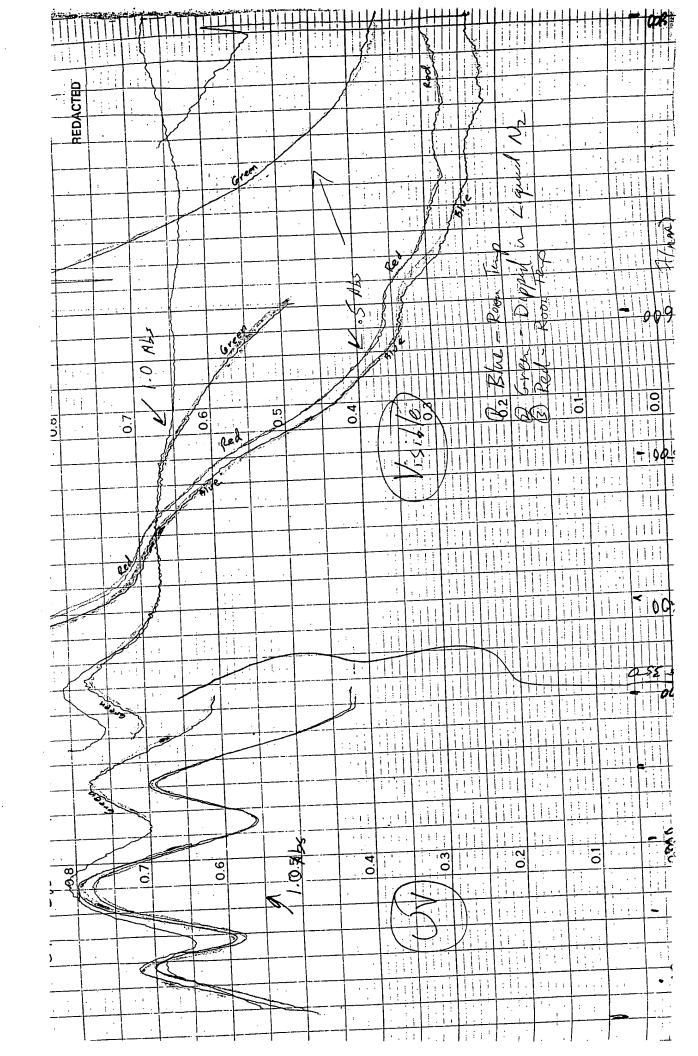
Proad Feature (Features:) in visible anal

Broad teature (features?) in visible arms
425-525 nm appear real.

REMO RY JOHN T. ETMORET

EXH. B-2





(60 making

10:40 AM - Top fet ~ 100 iou & 380 Tothan genger according to collection in Lawell'a notified

Spring Tarrier 1 NIM in

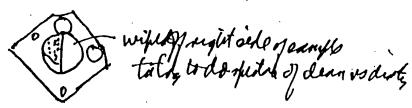
a good (60 bedown on Cary 118 shows a good (60 bedown jerd a induspole). Peak 00 = ~1.4. Scropelogy with raps bleloands glassing poles. # 2 UV spectrum draws similes secult Peak 00 = 2.25. An this production I probletal the rate to allest the esseal security less temperature stuff be consopy & desprises

Und samples #1##2 scrapelogy to try to sublimate (60.



Mullistranstingtin were earl rebent could, into a shape that would blad a clear greaty cincillo. Motes a about Goran where E the something great:

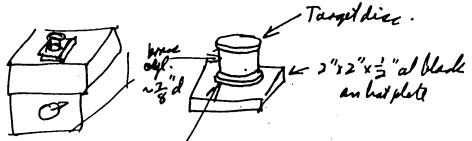
Wofesteum is everalusionestil better leadingsons is dem.



(cart.)

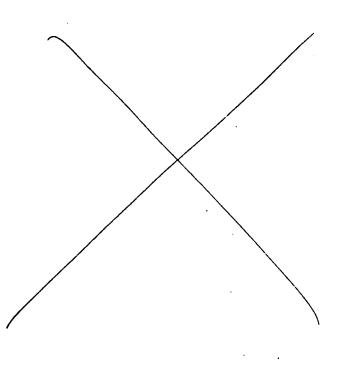
(cant.)

Attempt at Sublimeties of Coo in Air



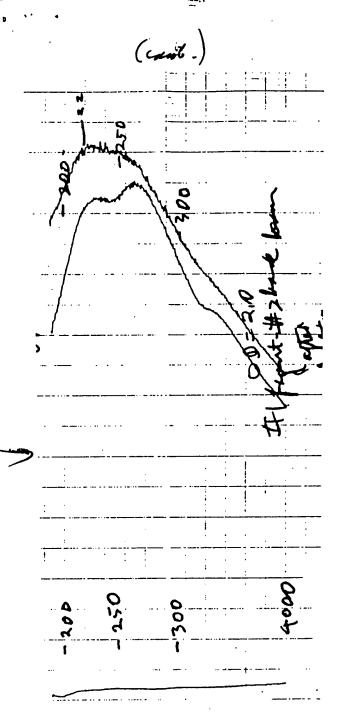
Santo of (+ (60

Healed for 18 min in the above arrangement. No intecation of anything an target disc. Ro-analysis of MV spetherm of sauce disc shows change away from I bump structure.



EXH. C-2

See neft perp



EXH. C-3

. (cont.)

For neft tag at authorising (60 I wound a new cail assund the dear quarty considerant of 3. standard tungsten.

Placet al. hollet with siticadisc just abreve the crucille. Note: perspective of drawling abreve is not good. Scroped cashen off the comple Coller from a previous run - also called same by scrafing from pasts and other brokens in the chamber.

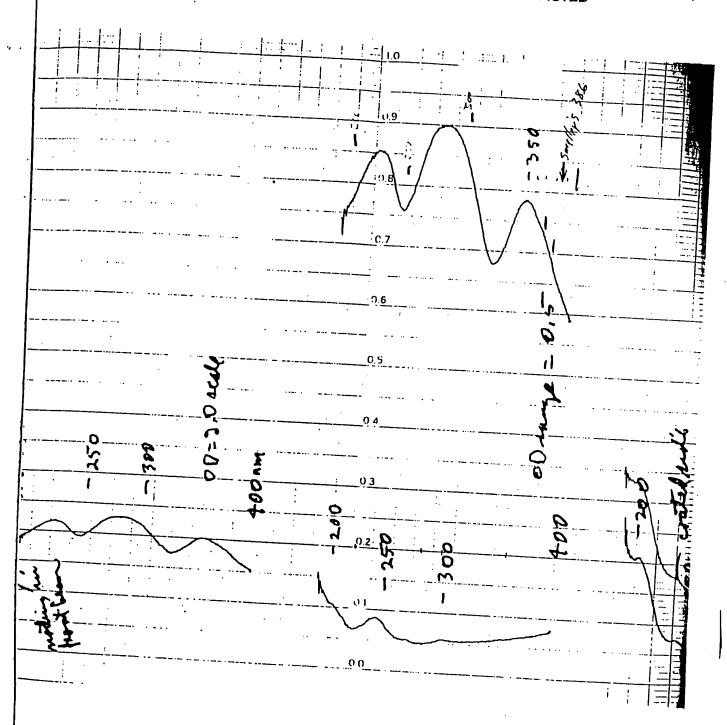
Flushed chamber w/ 16 \$ filled to ~ 3 atm. Heated filament ~ 15 amp until I alesered ramething on dire.

Spediamon offasite perse shows that I indeed succeeded in cancentrating CGO.

The sample again upposed bluish by scattered light in the frewer direction and perhaps rellish by transmission. had wase same flater of the fluffy coolin that seemile have marked the surface.

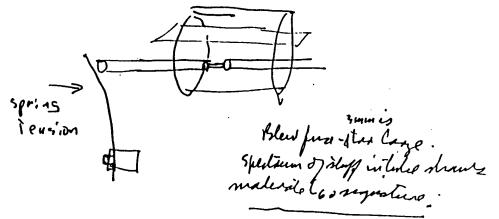
Twill try to get orans Flaty carling of the carlin into fluffy apprentes.

EXH. C-4



Mare (60 making

#1 Thee 3mm deameted dad in gtg. tale w/ microsofo glass as alread below.



Same sing as abrew but 1-2 mindia. rod, a little larger than usual (~1cm). Rod mapped when beating statistent small continues as abrestone party was purched by spring aparated stape. Heavy coaling an unside of sing \$ An slide. Will beg again with a Hammex ~8 min tip to get made Coo. Then beg to concentrate it.

Heated rather quistly. Tip callopsed. ~ 5 recin all totals to present decision of the Coo.

#4 Microscope slide prem# 2-3 with heavy cooling is broken with a few present of fit into caucillo. Idea is to Too, Go prement the fluffy continument from yesterday by subleming dutilly from water slides.

EXH. C-6

Westing mass laws a destrele. Later settled lacen as that emission well besting accounted . 40 anominion - 20 an warm meter. Left of for ~ 3 min while I alisaired Reposition exercision in missorope light prom above.

blueids by Four

Twaports resulted. Lan spection of each. Totals different Pan't underlinates like by town part.

Cleaned substited - will now tog same charge en duman un bottame) to see if any Coistoff.

Cond. 3min - 30 n - 12.5 amp an premary appears to be seemed something much class potent & delet in chamber as mindly middle complete classificate classification in deduction of any mass (40 at anyting elet alfasting on settletel.

Cooled mussings diele (#1 # #2). Iveredel paver rune gradually, at 26.5 t & Hamp primay werent I see efficiently. Chaling developen substitute. also alienere smake in the chamber.

Now to the lange (2") cafinder wind being with wirls

2"x2" for states getting entire un notationed states getting entire un notation de que l'aprentate le les in 2x2 forse le outrate.

Various specteur en drests.

Try Standord Cartition to make being 60 smoles.

Joan P= 380 angunge

Total I Fafet to Walfany a copy of the spectamenty

Ht which is a copy is showed on the attales page.

There offers who structure in the region between shout

4500 B and 7000 A which is real. The rune of

course shows may the material is retain become.

To W. Krad schmer

Spectrum of concentrated" smoke

		•
20 0: "! Ahm; He Goarts Sustable of O" Concentrated " C.O	20	

0,

REDACTE Today I made smoke & concentrated de Go using subination Toysed in below is the UV scan of the sample, and taped in an page 91 is the Visible scan. There appear to be 4 absorption features superingers on the brond center feature in the visible. The 620 nm and 530 nm may be instrumental error (see bispline).

The 445 and 445 are close to the 4428 A and 4887 nm NIR 115 are close to the 4428 A and The Elin ₹œ: 450 200 . į : 1:

REDACTED Modification Modifications to Smake Production Method Step (- Tip dianter ~ 5" Step 9 - Substrate-Crucible squartion Question D Why am I only seeing some of the DIBS? Specifically, why am I not seeing the 5800 A feature? I am only seeing pure canton bondon carbon 60 with a trapped the features. The other DIBS are due to Go with various ions trapped inside. The other DIR'S on due to Go Grag. Taped in on page 98 in an IR scan of G on Nacl.

Carful comparison of the baseline to the absorption last

spectrum shows only two features — at a 1410 4 1180 and in

These match up well to the Kvitschmer et al features at 11 1429 and 183 cm. In his factive morning, he states that they are still spering contamination due to C-H at 2900 in. I don't see that in my spectrum, so citie it is not present or the instrument is not secitive enough.

Progress Report

IV UV-Visible

I have obtained good spectra of Co from about 200-700 nm using the CARY 118. Scans one taped in on pages 90,9196. I see visible features at 445,500, 670, and passibly 620 nm.

I IR Spectra

An IR sean from 4000-800 cm' is typed in on page 98. I see the two features at 1429 and 1183 en and no other features. There seems to be relatively little containation.

II Near IR

the Burger of Burger House

Using the CARY 14, I've made some Preliminary Scans from 600-1600 nm. There is rally only one caldidate feature - at 1280 nm - but I day have a baseline yet.

III Co Production

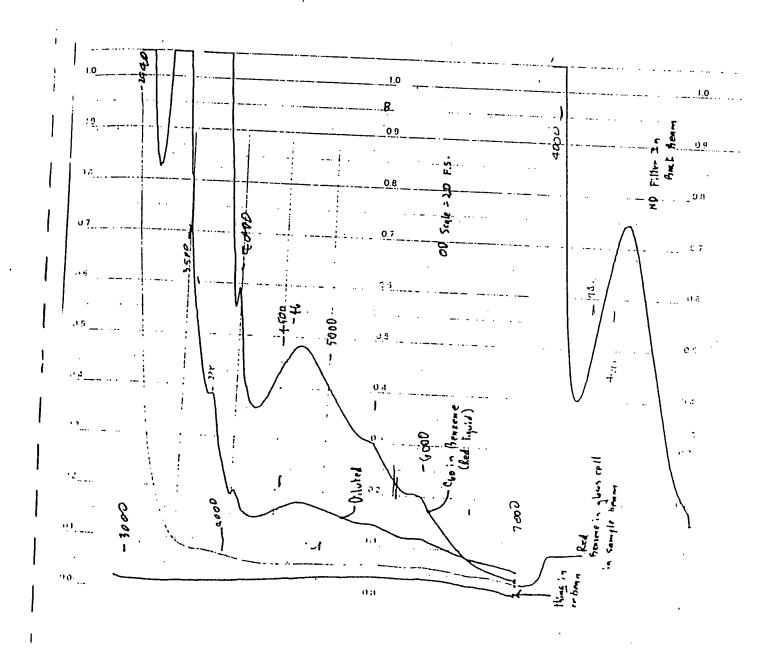
The most important thing I've done in refine our method for the production. I would estimate that we are now able to make it in a 0.1 gram batches. The purity appears to be very high.

REDACTED

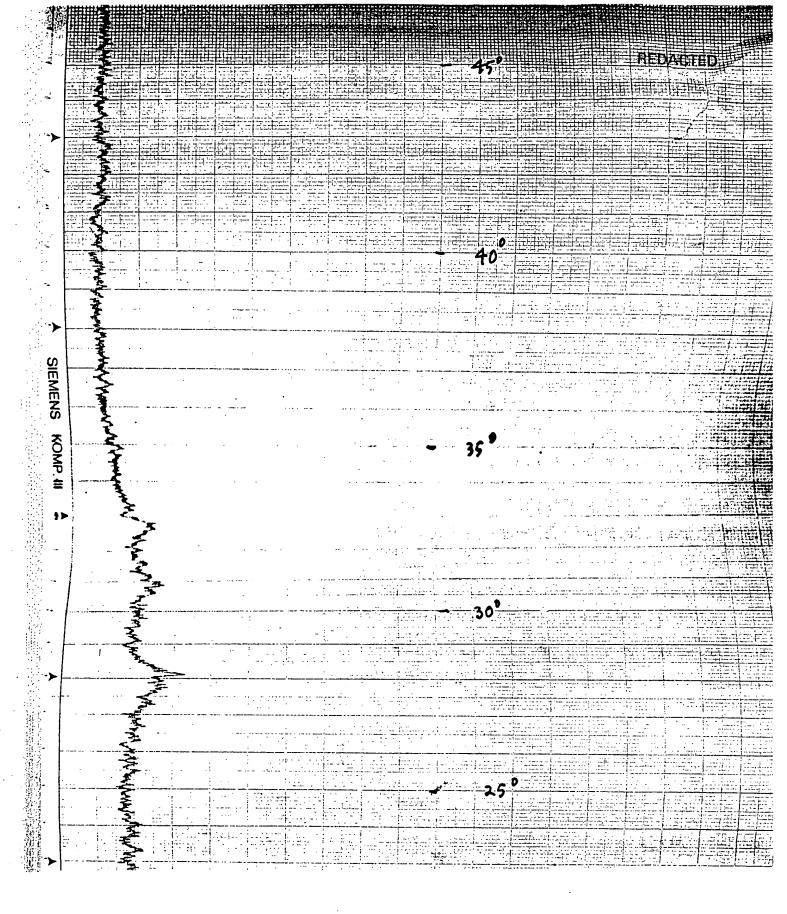


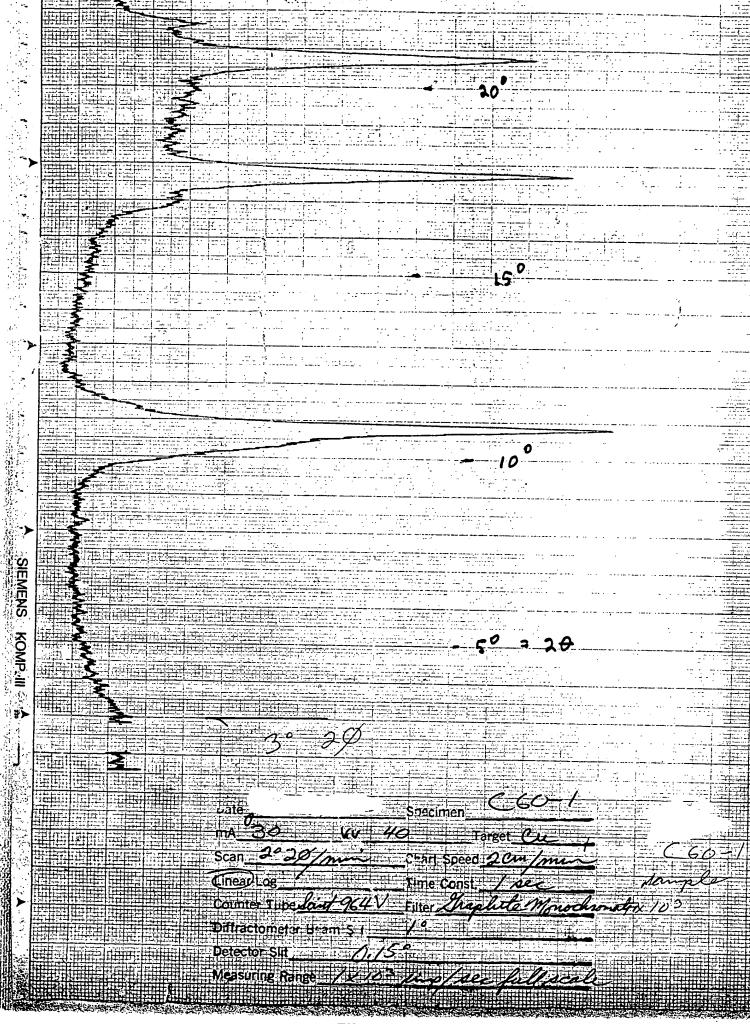
Kan a spectaum og Co in bengens. > See attoded page.

salvent for Cod. Successes was (Szant CClq with a milesofe apparent werens for hearsene. Fadeus induled water, action, ethinal, method, properl.

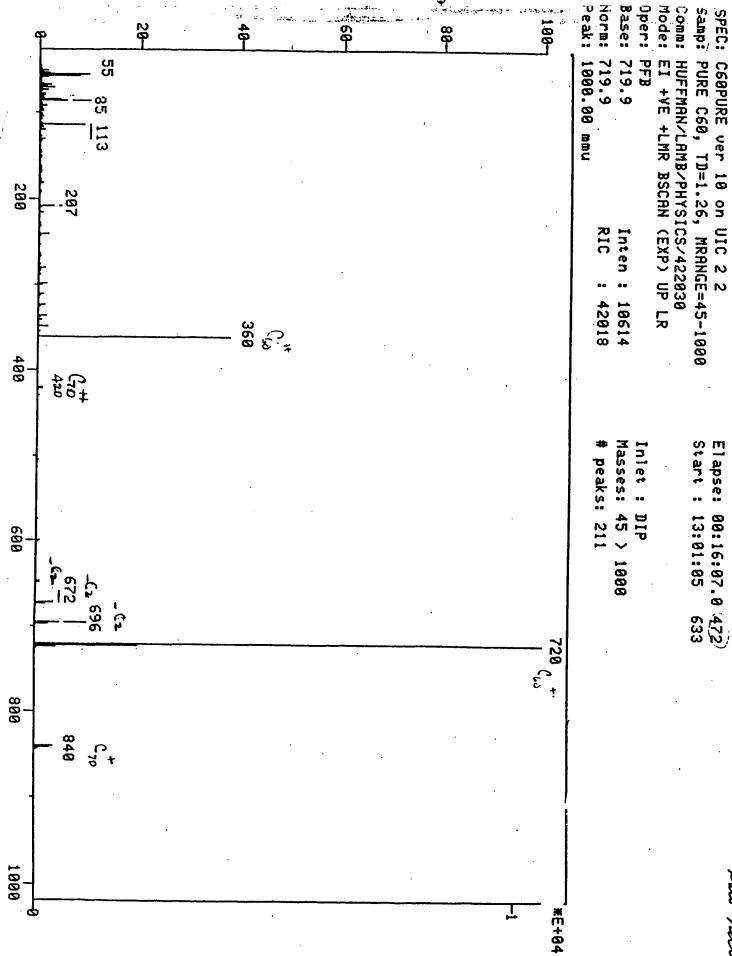


The above spotoum was swanced on





EXH.H



EXH. I

Law Saw

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